

1 Brian Hennessy State Bar No. 226721  
bhennessy@perkinscoie.com  
2 PERKINS COIE LLP  
101 Jefferson Drive  
3 Menlo Park, California 94025  
4 Telephone: 650.838.4300  
Facsimile: 650.838.4350

5  
6 James McCullagh, *pro hac vice* application to follow  
jmccullagh@perkinscoie.com  
7 Joseph Cutler, *pro hac vice* application to follow  
jcutler@perkinscoie.com  
8 PERKINS COIE LLP  
1201 Third Avenue, Suite 4800  
9 Seattle, Washington 98101  
Telephone: 206.359.8000  
10 Facsimile: 206.359.9000

11 Attorneys for Plaintiff  
12 FACEBOOK, INC.

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN JOSE DIVISION  
16

17 FACEBOOK, INC., a Delaware  
18 corporation,

19 Plaintiff,

20 v.

21 JEREMI FISHER; PHILIP POREMBSKI;  
22 RYAN SHIMEALL; and JOHN DOES 1-  
25, individuals; and CHOKO SYSTEMS  
23 LLC; HARM, INC.; PP WEB SERVICES  
24 LLC, iMEDIA ONLINE SERVICES LLC,  
and JOHN DOES 26-50, corporations,

25 Defendants.  
26  
27  
28

Case No. C 09-05842 JF

**DECLARATION OF JOSEPH P.  
CUTLER IN SUPPORT OF NOTICE OF  
MOTION AND MOTION FOR  
ADMINISTRATIVE RELIEF FOR  
LEAVE TO FILE UNDER SEAL  
CERTAIN PORTIONS OF DOCUMENTS  
FILED IN CONNECTION WITH  
PLAINTIFF FACEBOOK INC.'S  
MOTION FOR TEMPORARY  
RESTRAINING ORDER**

1           1.       I am legal counsel for Facebook, Inc. ("Facebook"), which is located in Palo Alto,  
2 California. I make this declaration based upon personal knowledge and am competent to testify  
3 to the facts set forth herein.

4           2.       I make this declaration in support of Facebook's Motion for Administrative Relief  
5 For Leave to File Under Seal certain portions of the following documents:

- 6           a.       Plaintiff Facebook, Inc.'s Memorandum of Points and Authorities in Support of  
7               Motion for Temporary Restraining Order;  
8           b.       Declaration of Facebook Employee in Support of Plaintiff's Motion for Temporary  
9               Restraining Order; and  
10          c.       Declaration of Joseph P. Cutler in Support of Plaintiff's Motion for Temporary  
11               Restraining Order;

12          3.       Sealing of the identified portions of the documents listed above is warranted  
13 because each of the referenced portions contains confidential, commercially sensitive  
14 information. This information could be abused by competitors or would-be hackers and spam  
15 artists. This is especially true with regard to information related to Facebook's confidential and  
16 proprietary network structure, defensive safety measures, methods for investigating a security  
17 breach, and the identity of Facebook personnel responsible for maintaining the security of the  
18 Facebook network and identifying perpetrators.

19          4.       I have narrowly tailored the paragraphs and documents identified in this request in  
20 order to minimize the portions that need to be filed under seal.

21          5.       Pursuant to Local Rule 79-5(c), Facebook will lodge with the clerk: (1) two copies  
22 of the unredacted documents, with the sealable portions highlighted in yellow, one of which is to  
23 be delivered to Chambers; and (2) a redacted version of the documents that the Clerk may file in  
24 the public record.

25          6.       A stipulation could not be obtained regarding this Administrative Motion to File  
26 under Seal Documents Filed in Connection with Plaintiff Facebook Inc.'s Motion for Temporary  
27 Restraining Order because we have only recently served Defendants and, despite a request that  
28 they contact us, they have not responded to our request.

